

3 FAM 3800

BUREAU OF HUMAN RESOURCES (HR)

PROGRAMS

3 FAM 3860

LACTATION POLICY

(CT:PER-676; 05-04-2012)
(Office of Origin: HR/ER/WLD)

3 FAM 3861 OVERVIEW

3 FAM 3861.1 Policy

(CT:PER-676; 05-04-2012)

(State only)

(Foreign Service and Civil Service Employees Assigned Domestically)

- a. It is the policy of the U.S. Department of State to comply fully with section 4207 of the Patient Protection and Affordable Care Act (Act), Public Law 111-148, amended, and the Fair Labor Standards Act of 1938 (FLSA) to require an employer to provide covered employees with:
 - (1) A reasonable break time to express breast milk for the employee's nursing child for 1 year after the child's birth each time such an employee has need to express milk; and
 - (2) A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public that may be used to express breast milk.
- b. On December 20, 2010, President Obama delegated authority to the Office of Personnel Management (OPM) to provide guidance to executive branch agencies and civilian employees on workplace accommodations for employees who are nursing mothers.
- c. While the new provision applies only to employees who are subject to FLSA overtime pay provisions, OPM has determined that the rationale for the policy contained in that section applies to all executive branch employees. Accordingly, in accordance with the authority delegated to OPM by the President, and in order to ensure consistent treatment of nursing mothers within the Federal workforce, OPM has directed agencies to apply the

requirements of the law to all executive branch civilian employees, irrespective of FLSA exemption status.

3 FAM 3861.2 Authorities and References

(CT:PER-676; 05-04-2012)

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Section 4207 of the Patient Protection and Affordable Care Act (Act), Public Law 111-148, amended the Fair Labor Standards Act of 1938 (FLSA) (29 U.S.C. 207(r)).

3 FAM 3861.3 Applicability

(CT:PER-676; 05-04-2012)

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These procedures apply to all qualified employees and employment applicants, as defined by law.

3 FAM 3861.4 Organization

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a. Three offices have designated roles in supporting the Department's lactation policy:

- (1) The Office of Employee Relations, Work Life Division (HR/ER/WLD);
- (2) The Bureau of Administration (A/OPR); and
- (3) The Office of Medical Services (MED).

These offices play liaison roles, with HR/ER/WLD taking the lead to organize and post policy and information, call meetings, meet with interest groups, and resolve problems.

b. The Office of Operations (A/OPR) is responsible for acquiring/designating lactation rooms.

c. The Office of Medical Services (MED) serves as a subject-matter consultant.

3 FAM 3861.5 General Provisions

(CT:PER-676; 05-04-2012)

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Spaces within Department buildings that are designated to be lactation rooms must be consistent with the Office of Personnel Management (OPM) guidelines and have the following general characteristics:

- (1) **Rooms:** One nursing room in each Department-occupied building is to be provided. The Office of Employee Relations (HR/ER) is responsible for coordinating the Department's efforts and will maintain a building-by-building listing of designated lactation rooms;
- (2) **Privacy:** Designated lactation rooms must provide privacy. These rooms must be places other than bathrooms, as required by law. Each room must be shielded from view and free from intrusion by coworkers or the public. Employees must be able to lock the door from the inside;
- (3) **Space:** A reasonable amount of space is required, generally considered to be 8 feet by 10 feet;
- (4) **Proximity:** The designated lactation room should be clearly marked, centrally located, if possible, and reasonably convenient to nursing mothers throughout the building;
- (5) **Access to water:** Where feasible, a lactation room should have a sink with running water, soap, and paper towels;
- (6) **Seating:** A comfortable chair for the nursing mother should be provided;
- (7) **Table:** A small table (a minimum of 18 feet by 18 feet) will be provided to accommodate a breast pump and accessories. The table should be located sufficiently near an electrical outlet; and
- (8) **Leave:** While there is no special paid leave category for nursing mothers, the Department supports the practice of providing nursing mothers with a reasonable amount of time to express milk -- generally 15 to 20 minutes, depending upon the distance of the lactation room from the office -- 2 or 3 times a day or as frequently as needed by the individual mother. Supervisors should make every effort to accommodate these breaks, including use of the lunch hour and flexible work schedules such as credit hours as well as annual leave, leave without pay, and compensatory time off for 1 year following the birth of the employee's child. Where breaks of 15 minutes or more are built into any provision of regulation or collective bargaining agreement, those breaks should be used in lieu of administrative time off.

3 FAM 3862 ADDITIONAL INFORMATION

UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 3
Personnel

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Additional program information and guidance, including a list of locations available for use by lactating mothers, may be found on the HR/ER/WLD Web site.

3 FAM 3863 THROUGH 3869 UNASSIGNED